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Morocco and the Treaty of Madrid. The question between Germany and twenty-five words long, in a treaty or appoint and remove a reporter. convention to which the United States

Government is a party. subject just stated. Then comes:

" ARTICLE 17. The right to the treatment of the most favored in his place? nation is recognized by Morocco as belonging to all the Powers represented at the Madrid conference."

rests what is practically her protest against France's plans and proceedings in Morocco. She has called the attention of all the Powers to the foregoing destinies of that dominion.

17 is of limited application, referring only to the matter of the protection of lives | ject? and property, as defined in the preceding sixteen articles of the Madrid treaty. Powers to recognize each other's rights to equal participation in the political control of Morocco.

question. We observe that in the official compilation of "Treaties in Force," published according to an act of Congress. the Madrid treaty of 1880 is classified in the index, under the title "Most Favored Nation Privileges," not as "Commercial," or as "Consular," or as "Consular and Diplomatic," but as "General,"

This circumstance, trifling though it seems, may give comfort to Berlin.

The Supreme Court Reporter.

There are three officers authorized by of the State of New York: the State Reporter, who reports the decisions of the reports those of the Appellate Division surance president. of the Supreme Court, and the Miscelthe Court of Appeals and the Appellate Division.

By an act of the Legislature which became a law on April 8 last the Justices of Court are required to meet in convention at the Capitol in the city of Albany on | requisite for the place. the third Monday of the present month of June for the purpose of appointing a Supreme Court Reporter. The same act | the president of a life insurance comprovides that, when so convened, "said Justices, by a majority of those present, shall appoint a Supreme Court Reporter, to hold office for a term of five years and not even when the President's salary until his successor is appointed and qualifies, said term to commence at the expira- ever been difficult to get men of eminent tion of the term of office of the present abilities to take the Vice-Presidency Supreme Court Reporter." The act also or places in the Cabinet because of the contains various provisions in regard to the publication of the reports, prohibiting the Supreme Court Reporter from having any pecuniary interest therein, and also him "in addition thereto such allowances Legislature shall from time to time

direct." From 1874 until the end of 1895 MARCUS T. Hun of Albany was the reporter of the decisions of the General Terms of the Supreme Court and he published ninetyriod. When the Appellate Division succeeded the General Terms in 1896, Mr. HUN became the reporter of its decisions, time, having just published the one and Representatives in the Federal Conhundredth volume of Appellate Division reports. By an express provision of law he has been prohibited from receiving a salary, and his compensation has consisted of such profit as he could derive exceeding \$2 for a volume of not less than

700 pages. We believe that Mr. Hun's work as Supreme Court Reporter has been generally satisfactory to the bench and bar. Some criticism has been made upon it to the effect that the prefatory note or syllabus prefixed to each case, which should be a brief epitome of the decision, was too long and dealt too largely with mere matters of fact. The bar has also com-

well founded by the Legislature, justified that body in changing the method of compensation by making the office a turn out annually thousands of new salaried one instead of paying the Supreme Court Reporter out of the profits to be derived by a sale of the reports at \$2 a volume. The former objection, as to the character of the reporting, would justify the members of the Appellate Division in removing the Supreme Court respect sufficiently serious. Back of more serious question whether the Legislature possesses any constitutional power | the best use of its faculties. to remove or provide for the removal of the Supreme Court Reporter or to fix the length of his term of office at five years or any other period or to direct the Justices of the Appellate Division at any time to remove him and appoint his successor.

This question is suggested by the language of the Constitution of 1894, now in force, by which the Appellate Division was established and which provides France as to Morocco turns mainly upon among other things as follows: "It [the the interpretation of a single article, Appellate Division] shall have power to

Can there be any doubt that this power, conferred upon the Appellate Division In 1880, at Madrid, the plenipotentiaries by the fundamental law itself, commits of the United States, Germany, Austria, to that branch of the judiciary, free Belgium, Denmark, Spain, France, Great from legislative control, exclusive au-Britain, Italy, the Netherlands, Portugal | thority to determine how long its reporand Sweden and Norway concluded with ter, once chosen, shall remain in office? the Sultan of Morocco's Minister of Is not the duration of his term solely Foreign Affairs, the Taleb Sid MOHAMMED dependent upon the exercise of the VARGAS, a convention defining the rights power of removal vested in the Appellate of "protection" to be exercised by the Division by the Constitution? And, Mr. representatives of foreign Powers over MARCUS T. HUN now being in office Moroccan subjects on Moroccan soil. as the Supreme Court Reporter, ap-This treaty was ratified all around, and pointed by the Appellate Division in it is still in force. The first sixteen arti- the exercise of its constitutional power, cles relate solely and specifically to the | can the Judges of that court be constrained by legislative enactment to turn him out and appoint some one else

In asking these questions, we express no doubt as to the authority of the Legis-It is on this provision that Germany lature to restrict or regulate the compensation or emoluments of the office. We desire only to call attention to the point that under the language of the Constitution it is extremely doubtful, article as a "most favored nation" com- to say the least, whether the Justices pact, still of binding force on Morocco of the Appellate Division are bound and inconsistent with any theory except at this time to select a successor to Mr. that of the equal right of all the signa- Hun. If the public interest demands a tory Powers to participate in the affairs | change, it is clearly their duty to do so; of Morocco, and to influence the political but if they think otherwise, may they not find a plain warrant for refusing France's reply is said to be that Article | to act in the matter in the express provision of the Constitution on the sub-

Legislation of the sort which is embodied in the act of 1905 in respect to In other words, this "most favored na- the office of Supreme Court Reporter tion" clause is not general, but is re- is usually inspired by some individual stricted to the particular subject of the or political organization which desires agreement. It gives the Powers equal the place. The candidates already in rights concerning the protection of lives the field for the post now occupied by and property, as provided for in the Mr. Hux are numerous and aggressive. rest of the treaty, but cannot be con- All but one are certain to be disapstrued as an agreement of the twelve pointed. We trust that the scramble for the place will not bring discredit upon the judiciary by showing that the members of the Appellate Division How is Article 17 interpreted at Wash- are controlled in a purely professional ington? The diplomatic situation may be matter by the dictates of the particular such as to make this a very interesting political organization to which they happen to be affiliated.

Pay and Ability and Service.

Chancellor MacCracken of the Nev York University, in his address to the thinks more of revenue than morality, and it will graduates on Thursday, contrasted the great salaries paid by corporations with the modest stipends received by college faculties. The salaries of the presidents of the fourteen ranking universities of this country, all put together, he pointed out, do not amount to as much as the salary and perquisites of a single law to report the decisions of the courts | fortunate president of a life insurance corporation. Moreover, as the average salary of an American university pro-Court of Appeals: the Supreme Court | fessor is only \$2,000, fifty of them to-Reporter, who formerly reported the gether get only as much as is paid as decisions of the General Terms and now annual salary merely to a single life in-

This comparison is not important, laneous Reporter, who reports the cases | except so far as it may suggest that the decided in courts of record other than scale of pay of insurance officers is too high and of college professors too low. The standard of judgment between the two, however, is not the mere difference in salaries. It is whether in either case the Appellate Division of the Supreme | the salary is above or below the pay necessary to get the quality of ability

The salary of the President of the United States is only half that paid to pany now under investigation: yet because of that less pay it has never been difficult to get men to take the place, was half its present amount. Nor has it

smallness of the salaries paid. The average salary of university professors is as great as the average of official salaries of a lower grade paid by the fixes his salary at \$5,000 a year, granting United States in places for the filling of which superior ability is requisite. for clerk hire and office expenses as the | Men holding offices in the Federal Treasury Department of the highest responsibility and demanding rare and peculiar abilities are paid only from \$3,000 to \$5,000 a year.

Judicial salaries in the United States do not average as much as the pay of two volumes of reports during that pe- college presidents and hardly more than the pay of professors. Presidents of universities get as much as Cabinet officers of the Federal Government, and in and has so continued up to the present | some cases more. The pay of Senators gress is much less than some of these presidents receive. The average pay of Governors of States is less.

The average pay of the clergy in the United States is very much less than about models. Let them stop worrying from the sale of his reports at a price not | \$2,000, and that sum is high compared with the average earnings of lawvers and doctors, all men of learned professions. It is as much as the great majority of the officers of the army and navy get. It is more than the average income of men

of education. We do not mean in saying this that college professors are sufficiently paid. We wish that they got more. They ought to get more. But are there any places in teachers. It calls attention to the fact that the faculties of colleges which are left un-

pensive. This latter objection, if deemed | pecuniary inducement offered? The applicants are far more numerous than the places. The law and medical schools lawyers and doctors, in spite of the paltriness of the money rewards obtained

by the run of these professions. Why? Because the goal which the best element in society sets before itself is not success in mere money making. It is the element which thinks rather of the Reporter if they deemed his fault in that | things of the spirit; which is controlled by the aspiration that distinguishes the both objections, however, lies the far artist-the ambition, first of all, to do well its part, to work up to its ideals, to make

Thank Gon! everybody does not work for money alone. The progress of civilization in the future will be most pushed forward by men, ill paid and selfdenying, who are now patiently and obscurely working in laboratories to discover the secrets of the universe whose revelation will herald the millennium.

South Carolina's Liquor Business.

A movement that may result in a bitter political contest between the Tillman Democracy and the anti-saloon elements in South Carolina was begun Tuesday at Greenville, where ex-Senator JOHN LOWNDES MCLAURIN, in the course of an address on the cotton situation, digressed from his main topic to condemn the State Liquor Dispensary law after this fashion:

" South Carolina is all right. She does get cranky sometimes, and must have her little political revolution every ten years. She is all right if she does under malign influences try cranky experiments in the liquor business.

"The Palmetto that swept proudly to victory with Jackson at Bull Run, that lived through the blood and fire of Gettysburg, and beneath whose tattered, shot torn folds brave men wept with LEE at Appomattor, was not always the sign of the rumseller and the insignta of a proud State's copartnership with the devil in a trame that is sending the souls of men to hell, and with its corrupting influence tainting the very fountains of good government. It will not be for long, for if these up-country counties are the test of enlightened sentiment and an awakened public conscience, soon there will be erected a great tombstone with this beautiful and touching sentiment: 'Here lies the mortal remains of the "great moral institution." Killed by a landslide. Born corrupted, lived lamented, died dejected. Requiescat in pace."

Mr. McLaurin, whose last days in the Senate were made memorable by a physical encounter with Senator TILL-MAN on the floor of the chamber, has been taking the political pulse of the interior counties. The audience which listened to his address was composed largely of mountaineers, and his denunciation of the liquor traffic carried on by the State received the cordial approval of his auditors. Fellowing the meeting at which it was delivered a mass meeting was called, to be held next week, at which plans for a comprehensive campaign against this institution founded by Mr. TILLMAN will be laid.

The first struggle will be in Greenville, but it is expected that, under Mr. McLaurin's guidance, the whole State will be aroused and that within a year the demand for the withdrawal of the Commonwealth from the whisky trade will be the leading political issue. Senator TILLMAN will defend the dispensary system, and the great machine which it has created will fight for it vigorously. Of the dispensary's defenders the Greenville News savs:

"The movement will be opposed by two or three factions. It will be fought by that element which be fought by those people who are of the opinion that prohibition will not prohibit. Possibly it will not, but by freeing ourselves of the monopoly we will put liquor beyond the reach of the poorer classes who are supporting the system. The 'enlightened sentiment, however, is against it, and

"Let us rise then in our might and smite the enemy. Let us vindicate the name of the proud old State which has been defiled, and let us free ourselves of the fangs which have been driven into our bodies and souls by these howling political fanatics and their damnable law."

Senator TILLMAN counts the establishment of State liquor stores as the most important achievement of his administration as Governor, after the services he rendered in behalf of education. In spite of the admitted shortcomings of the system in practical operation, he and his adherents maintain that it comes nearer to solving the liquor problem than any other plan that has been tried. The liquor monopoly is profitable to the State, a fact of weight with many taxpayers. Mr. TILLMAN is in complete control of the Democratic machine in the State, and is in a position to meet almost any attack that may be made on him. As a fighter he has no superiors in politics, and there is no danger that he will spoil the prospect of a fine political contest by compromising with Mr. McLaurin and his friends.

Woman and the Artists.

A certain artist, who, being wiser than his kind, has concealed his name, says that he can no longer get suitable models for the female figure because all the women of to-day have heads too large for their bodies. He lives in hope that the increasing popularity of athletics will develop the bodies till the old fashioned proportions admired by the sculptors of Greece shall be restored. He believes that the overdevelopment of the feminine head is due to modern culture.

He is a brave man indeed who dares to accuse the women of to-day of having by reason of their learning developed swelled heads. But his view of the entire matter is askew. The Greek woman's head was too small; that is the real state of the case. She was, as a type, ignorant, unlearned, untrained in the use of the brain. One small head could easily carry

all she knew; with room to spare. What this artist and all the rest of his kind should do is to remodel their ideas about the Greeks and carve in immortal marble the genius of American womanhood. There is nothing whatsoever the matter with the woman of to-day. She is most particularly and generally all right. She is the very best that ever was

The Rochester Post-Express is alarmed because the public cannot distinguish between competent and incompetent music no one can practise medicine or law without plained that the reports were too ex- supplied because of the smallness of the a diploma, and asks why music teachers

should not be similarly restricted. Two considerations seem to have bearing on this matter. Who is to issue these music teachers' diplomas? Also, since when has a diploma guaranteed competency? The license to practise medicine and admission to the bar have not cleared the world of poor doctors and unskilful lawyers-at least, not yet.

Our neighbor. THE SUN, seems to be resolved that "the heathen shall not have another chance if we can help it."—The New York Tribune.

That isn't exactly the question. question is why the appointment of Mr. ALDRIDGE to the Railroad Commission, which the Tribune declared in 1902 "would put the administration on the defensive." now puts the Tribune on the claque.

If early reports from Great Barrington. Mass., are confirmed, the amateur fishermen of the United States have a new trouble It is to reconcile with the ethics of fishermen's tales in the past a sinister defense now interposed by one of their number. As every one knows who knows anything, the streams of Berkshire county are full of fish at this time of year. The Housatonic, swollen by rains, is flowing fast and all the tributary streams are lapping their banks at high water and rustling the leaves, boughs, branches and shrubbery along

An amateur fisherman in Great Barrington was charged, as reported, with catching two trout under the legal length of six One of the best trout brooks in inches. the Berkshires runs for a distance of a quarter of a mile through his property. The Game Warden saw the owner returning from a fishing trip and asked to see his catch. He found the undersized trout. The lawyer for the fisherman pleaded in defense that the trout had shrunk an inch or two after being caught. A fine of \$20 was imposed after this testimony in the District Court, but an appeal was taken.

The theory of the shrinking fish is an arrow pointing straight to the vitals of every genuine fisherman's tale in the past. Every one knows that under the stimulus of the angler's enthusiasm the ten pound fish becomes twenty, and the twentypounder fifty. Six fish hooked on the line become forty and forty fish drawn by the reel become a hundred before home is reached, or the roadside inn no longer entertains the amateur fishermen and their auditors

If such a precedent is to be established judicially, what will become of the old standards? Ice may melt, coal may be less in the bin than on the scales, tobacco may go up in smoke, but fish won't shrink so long as the amateur anglers stand by each other.

THE EQUITABLE.

A Policyheider's Questions as to the Ad-

vantages of a Glant Business. TO THE EDITOR OF THE SUN-Sir: Would he present Equitable policyholders (I am one)

be injured if that society should cease to write new business? Or, on the other hand, does the safety of my policy depend upon Is not a company having, say, fifty thousand

ment) as one having six hundred thousand? May not the Equitable be considered merely as an agglomeration of twelve moderate, safe companies? Has any one been benefited by the enormous growth of the bigger companies except those who actively conduct them? (1 do not now mean to suggest illegal benefit.) Is there not, in mere magnitude, a danger-

ous element tending toward corruption? Are we not all, in all human activities, met by the experience that principles of conduct, useful for the general good, have a comparaively easy conquest of direct selfishness unless the stakes involved become unusually great? Do we not crudely express our mutual distrust in the old saw, not entirely true, but truer than many of its kind, that every man has his price?

Must we not, as a society, guard against the gathering in any man's hands of a very great almost equally careful against the grasp of power of one?

Was not young Mr. Hyde placed in a position of extreme temptation-finding himself about to control a vast fund which belonged, even by the widest stretch of his stock privilege, only in small part to him, while its real wners were numerous, widely scattered, and having rather indefinite legal rights?

Will it be possible for those six hundred housand policyholders to exercise any effective control of their concentrated mil-Will not such an organization surely become a tyranny or an oligarchy-good or bad or indifferent? If indeed excessive concentration of power be dangerous, is not the true cure for Equitable troubles this-that it

should grow less, not greater?
Was not a policy in the Equitable as safe twenty years ago as it is now? Were not the morals of its officials safer against the temptations which might destroy any of us? not the public weal conserved by seeing that men are not led into temptation, certainly if that temptation, in itself, contains no obvious

1. Suits to determine ownership of the surplus.

2. Acceptance of any reasonable modus vivendi as to management, involving even partial correction of the evils inherent in magnitude, but which, thus far, do not prove special criminality of anybody or any grievous loss to any policyholder

4. A fresh start, perhaps, when, ten years hence, moderate bulk shall have been reached.

The Only City. From Harper's Weekly

An amusing story of Hans von Billow, the famous German planist and conductor, is contained in the volume of his letters that has just been issued in Germany. After a very successful appearance which he made at a concert in Chicago, he came forward in acknowledgment of the applause. ing on the audience, he began:

"After all, ladies and gentlemen, there is only one city"—here he was interrupted by a prolonged burst of applause. When there was a lull be concluded. "and that is -New York."

One Legged Society Note From Illinois From the Clifton Advocate. Society note: Jim Williams has painted his ooden leg.

The Lesson of Norway. The Vikings' heirs have set the pace

In deeds of bloodless war: Their slogan to the human race Comes sweetly from afar. A fulgent star beams brightly forth To Europe's dazzled view: Fired by this beacon from the North. What will old Ireland do?

THE SUN last Christmas morn shone fair. Why not let Ireland go?

And asked King Edward on the square As though he chooses to forget Poor Erin's honest due. The question is unapswered yet-What will old Ireland do?

Shall Irish statesmen at the throne in shining phrases plead. Can answer Erin's need The Norsemen took their cause in hand And solved the problem, too

What will old Ireland do? We now repeat: Ope wide your heart O scion of the Guelph. And give poor Ireland a start In business for herself!

eneath her skies of blue. By all the world it will be seen What Ireland, free, will do.

HOPES OF OHIO DEMOCRATS. Tem; erance and Religious E'ements to Which They Look for Aid.

COLUMBUS, Ohio, June 8. - In Ohio this fall a Governor, Lieutenant-Governor, State Treasurer, Attorney-General, Judge of the Supreme Court, member of the Board of Public Works and a Legislature are to be elected, and the people are to vote on a con-stitutional amendment separating the municipal from the State and county elections, and another exempting from taxation State, county and municipal bonds. The licans have held their State convention, which was presided over by Secretary Taft. and have presented their ticket and plat form, and in a few days the Democrats wil hold their convention and try to get together on some issue which will give them a fighting chance of success. They are confronted with Governor Herrick's plurality of 114,000 in 1903 and President Roosevelt's plurality of 255,000 in 1904, but local conditions have ed them to hope that they may be able to defeat Governor Hetrick, and unusual inter-

est is already manifested in their approach-

ing State convention.

Governor Herrick is the first Governor

since the constitution was amended giving the Governor the veto power. In its exercise he has incurred the enmity of some influential classes of his constituents. He offended the farmers by cutting the appropriations for agriculture, and the sporting element of his own city (Cleveland) by vetoing a bill legalizing pool selling at race tracks, and by threats of a veto he compelled amendments to the residence local option bill in the interest, it is charged, of the saloon keepers brewers and liquor dealers, and thus aroused the opposition of the temperance element of the State, and especially of the Anti-Saloon League, which had secured the bill's passage through both houses of the Legislature. The agricultural press of the State was severe in its denunciation of his action in singling out agricultural appropriations for the veto knife. Some of the farmers are still sore over it and threaten to vot against him, and the sporting people of Cleveland who were behind the bill legalizing pool selling are said 'to have it in" for the Governor. To have it in for the Governor. But the most serious opposition is from the Anti-Saloon League because of his action in regard to the Brannock residence local option bill.

The Anti-Saloon League is the outgrowth of a movement against the saloons which started in Oberlin many years ago. It was based on the idea that each community for itself should have the right to decide whether it would have open saloons. There was one saloon in the village, and it is related that its opponents adopted the plan of enrolling its patrons and trying to influence them by moral sussion, and that President Fairchild of Oberlin College took his turn at watching the saloon. He is pictured standing with folded arms at his post across the street from the barroom, watching and noting those who went into and came out of it. Moral suasion was not effective as a permanent prevention, so it was decided to ask for a law authorizing communities to vote the saloons out. An organization was formed, called the Oberlin Alliance, which began agitation for local option. Howard H. Russell, a student in Oberlin College, became the active agent of the alliance, and in 1888, mainly through its efforts, a law was passed providing for township local option.

The law was not all that its advocates desired, for it applied only to those portions of townships outside of cities, towns and villages.

About 1893 the Oberlin Alliance, was mersed most serious opposition is from the Anti-

townships outside of cities, towns and villages.

About 1893 the Oberlin Alliance was merked into and succeeded by the Anti-Saloon League, which is now a national creanization. This league took up the fight for municipal local option, and after a long campaign and many defeats secured in 1992 the passage in Onio of what is known as the "Beale law," which authorizes a municipality on petition of 40 per cent, of the qualified voters to call an election and vote the saloons cut.

The advocates of the Beale law were still not satisfied, because a provision in the original bill extending its benefits to wards in municipalities was stricken out. They

municipalities was stricken out. They wished to give to wards in municipalities the same protection against saloons that was given to townships. The Anti-Saloon League given to townships. The Anti-Saloon League began an organized campaign for ward local 1903 a Governor and other State officers

In 1903 a Governor and other State officers and a Lexislature which would choose Senator Hanna's successor were to be elected. Senator Hanna tried to prevail on the leaders of the Anti-Saloon Leazue not to press further temperance legislation then, but to defer it to a year when there was not so much at stake. His efforts were unavailing and the league went ahead and made an active and vigorous convess, with the result that a large majority of the members of the Legislature were pledged to vote in favor of ward local option.

option.

After the Legislature met Senator Dick and Governor Herrick had conferences with the leaders of the Anti-Saloon League in regard to temperance legislation, with the result that ward local option was abandoned in favor of local option in residence districts of municipalities. A bill providing for residence local providing for residence local providing was applied to the conference of the conferenc municipalities. A bill providing for residence local option was drawn, introduced and passed by both houses of the Legislature by large majorities. A slight amendment in the Senate made it necessary to return the bill to the House for concurrence, and in the meantime the brewers' and liquor dealers' associations made their influence felt, and the Governor in a public interview amounced that unless certain changes in the bill were made in their interest he would veto it. This action aroused intense feeling among the temperance people of the State and was critiqued severely by others, who looked upon it as an unwarranted exercise of executive power.

critioned severely by others, who looked upon it as an unwarranted exercise of executive power.

The bill was finally amended so as practically to meet the Governor's objections, and thus amended passed both houses and received his approval. The Governor was immediately attacked by the organ of the Anti-Saloon League and the religious press, and resolutions censuring him were passed by representatives of the various churches and religious organizations. The attack was so general and so violent that a number of the Republican leaders, among them George B Cox, began to think it unwise to renominate him. Some of his personal friends advised him not to be a candidate for reelection, but he told them he did not propose to retire under fire. An attempt was made to bring out a candidate against him, and Lieutenant-Governor Harding was induced to lend his name to the movement. It was understood that he would have the support of Senator Foraker. The Senator came to Columbus for a conference over the situation and decided not to be drawn into the right. Senator Dick had already announced himself as favoring Governor Herrick's renomination, and Secretary John Mailoy of the Republican State Committee had started the cry that they "could not afford to let the Anti-Saloon League dictate the nominations of the Republican party."

An emissary from Columbus went to Cinmati, caught George B Cox as he was starting to Hot Springs, Ark, and induced him to make public announcement in favor of Governor Herrick's renomination. This practically settled the matter, and efforts to prevent his renomination were abandoned.

When the State convention met he was renominated by acclamation. In his speech of acceptance the Governor threw down the gauntlet to his opposers and denounced their opposition as "a virulent warfare, as conscienceless as it is senseless."

The Anti-Saloon League is now directing its efforts against Governor Herrick's reelection. Its national and State headquarters are in Columbus, and its organ, the American Issue, is power. ne bill was finally amended so as practi-

ernor Herrick's name off the Republican

ticket.

In normal times such formidable opposition to the head of the Republican ticket in this would probably spell defeat, but the Republican majorities in recent years have been so large that the "organization" calnul accepts the situation and expects to reelect Governor Herrick notwithstanding such opposition.

The Democrats are easting about for a candidate who will hold the saloon vote, naturally Democratic, and at the same time attract the support of the elements which Governor Herrick has offended.

betace of a Tipper.

TO THE EDITOR OF THE SUN-Sir: Of course on isn't obliged to give a tip, but think of the hanni ness one may obtain by doing so! When I buy a drink in the cafe of the St. Regis and pay the water a dime for the privilege of having it served I say to myself: "There's 10 cents to help Jack Astor worry through the summer. He'll be able to see Newport all right." When I go to the Astor in Long Acre Square

helping Willy Astor keep up a fine place in England. I get shaved in the Equitable Building, and when-ever I see Jimmy Hyde or Jimmy Alexander I swell with pride, knowing that I'm represented and help to pay the expenses wherever they go. Every time I read of the enlightened activities of the Pullman family my chest expands. Am I not paying for it

So it gots. The tip is all right. It lets a good many of us into high genteel society. Isn't that reva d enough? SILAS UPERTEN. JEBSET CITY, June 6.

NO FRANCHISE TAX SET OFF. City Likely to Fight Demands of the Com-

panies for Deduction of Fees. Comptroller Grout intimated yesterday that the city would not agree to the demands of the corporations that the money they pay annually to the city in the shape of fees and percentages upon receipts should be deducted from the amount of the special franchise tax. To grant the subtractions asked for the city would lose over \$5,000,000 of the \$24,000,000 indebtedness on the part of the companies which has accrued since the passing of the special franchise tax law.

The contention of the companies that the fees and percentages should be taken our is based on a decision of the Court of Appeals, which directed the city of Buffalo to make such deductions in the case of a franchise holding company of that city. At the outset the administration of this city was in-clined to follow to some extent the rule set in the Buffalo case, and was prepared to settle with the companies on some sort of a compromise basis. But the companies are insisting on such heavy deductions that Mayor McClellan and Comptroller Grout

Mayor McClellan and Comptroller Grout have practically made up their minds to fight these demands.

One of the reasons which has induced them to take this stand is the opinion of Justice Brewer of the United States Supreme Court, who wrote the decision upholding the constitutionality of the special franchise tax law. He held that the amounts paid yearly to the city by the companies for car licenses and in percentages could not be looked upon as taxes, but as payments for public property used by the companies, or, in other words, that these sums were paid rentals. Assistant Corporation paid rentals. Assistant Corporation Coun-sel Coleman, who has charge of the legal end of the issue, had a long conference vesterday with Comptroller Grout, and it is certain that unless the corporations greatly modify their claims they will have

o prove in the courts the soundness of the position they have taken.

The Finance Department received yesterday over \$600,000 for back franchise taxes and unpaid taxes on real estate. Several companies prid up their taxes for the years 1900 and 1901, which will save them from being included in the sale of delinquent properties to be begun on June 14. Among these were the New York Mutual Gas Company. \$161,154; City Water Corporate. position they have taken. these were the New York Mutual Gas Com-pany, \$161.154; City Water Company of Queens, \$32.203; Brooklyn Heights Railroad Company, \$145.408; New York Steam Heat-ing Company, \$9.310, and Consolidated Telegraph and Electrical Subway Company \$74.217. In addition, real estate tax and water rent arrearages to the amount of over \$200,000 were paid in yesterday.

THE SEAGOERS.

Paul Morton's Wife and Daughter Among the New York's Passengers.

Aboard the American liner New York, off

to-day for Southampton: Col. and Mrs. J. B. Hughes, Mrs. Paul Morton, Miss Morton, Dr. Edward R. Stitt, U. S. N.; Miss Molly Elliot Seawall, Mr. and Mrs. Charles Wheeler Turner, the Hon, William B. Allison, Dr. M. D. Conway, the Hon. Robert G. Cousins, the Hon. William T. Buchanan, John E. Berwind, Mrs. Robert Fitzsimmons, Mr. and Mrs. Timothy Foley, Mr. and Mrs. Ira D Bertolet, Mr. and Mrs. Samuel R. Shipley Lieut. H. F. Whinney and Cyril S. Sykes.

Sailing to-day by the Cunarder Umbria for Queenstown and Liverpool:

Mr. and Mrs. J. H. Borroughs, Mrs. James Amory Moore, Dr. and Mrs. J. Sapagler Keifer, J. R. Marshall, William T. Shepherd, Dr. and Mrs. Edwin E. Swift, Frank H. Patton, Mrs. F. H. Stevens, Mr. and Mrs. Warren P. Thorpe, W. A. Hildreth and Mr. and Mrs. James T. Dennis. Voyagers by the Atlantic Transport ner Minneapolis, which sails to-day for

Mr and Mrs. A. F. Andrews, Major and Mrs. N. J. Edwards, Mr. and Mrs. W. S. Hargreaves, Dr. and Mrs. R. G. Herron, E. K. Jessup, Mrs. H. W. Poor, Mr. and Mrs. T. H. Thomas, Mr. and Mrs. M. W. Barber, the Rev. and Mrs. W. J. Dawson, Prof. G. H. Brown and Mrs. A. H. Comstock.

Passengers by the Red Star liner Fin-land, which sails to-day for Dover and

land, which sails to-day for Dover and Antwerp:

Mr. and Mrs. Franklin H. Agnew, Mr. and Mrs. Percy R. Pyne, S. Van Rensselaer Thayer, Mr. and Mrs. Francis J. Underhill, Mrs. James Fahnestock, Jr.: Col. W. H. Rexford, Mr. and Mrs. S. L. Severance, the Baroness Korff, Ernest Gerard, head of the postal and telegraph system of Belgium, and F. Brunel and C. Van Bogaert, engineers of the Belgian State Railway.

Aboard the Anunc.
to-day for Glasgow:
Capt John K. Moore, U. S. A.: Allan Munro,
Mr. and Mrs. George Harvey, Mr. and Mrs.
Morgan Valentine Gress, Lieut, Archibald
Sunderland, U. S. A.: Mrs. Eugene Ward and

Sailing to-day by the Hamburg-American liner Pennsylvania, for Dover and Ham-

Durg:

Mr. and Mrs. Gus Zimmermann. the
Countess von Holnstein-Schwarzenfeld, Mrs.
Frances J. Hubbard, Mr. and Mrs. W. Lee
Karnes, Willard H. Durham, Mrs. W. II.
Catlin, A. Kingsley Porter and Mr. and Mrs.

VAN BRUNT'S LAST OPINION. His Dissent in the Case of a Suit Against Steinway Executors Recorded.

The Appellate Division affirmed yesterday the judgment rendered by Supreme Court Justice Leventritt awarding to Mrs. Ottilie C. Recknagel \$123,836 on her claim against the executors of the estate of William Steinway, her father-in-law. She married George A. Steinway, son of William Steinway, the piano manufacturer, in 1888, and they had three children.

Later, George Steinway became infirm. mentally and physically, and Mrs. Reck-nagel determined to sue for a divorce. Her father-in-law dissuaded her from this course by agreeing to settle on her \$7,500 a year until the youngest child should come of age. He failed to make provision for this agreement in his will, and she sued the executors to enforce it. Justice Van Brunt dissented from

the majority opinion on technical ground and dictated an opinion in dissent, which Justice McLaughlin, who also dissented, assumed as his own, prefacing the opinion by the statement that this was the last judicial act performed by Justice Van

BUSINESS IN R. SAGE'S HOUSE. Old Fashioned Dwelling at 506 Fifth Avenue to Be Remodeled.

Plans have been filed with Building Superintendent Hopper for remodeling into a five story and basement business building the old-fashioned four story and basement brownstone dwelling at 506 Fifth avenue, owned by Elbridge T. Gerry and for many years the home of Russell Sage. A rear extension is to be built, a passenger A rear extension is to be built, a passenger elevator installed and rear fire escapes erected. The improvements, which are to be made for Hyman & Oppenheim, as lessess, are to cost \$15,000. The architect is William E. Young.

New Bishop for South Dakota.

The Episcopal House of Bishops yesterday morning elected the Rev. Frederick Foote Johnson to be Bishop to assist the Rt. Rev. William Hobart Hare, missionary Bishop of South Dakota. There is said to be a fair chance that the Bishop-elect will accept. He is now general missionary of the Diocese of Western Massachusetts and lives in Springfield. He is one of the youngest men ever admitted to the Episco-pate, being but 36 years old. He is a graduate of Trinity College and of Berkeley Divinity School.

New Ottendorfer Memorial Dispensary.

Plans have been filed with Building Supgive a dime to the flunkey and realize that I'm erintendent Hopper for a five story fireproof dispensary to be built at the northeast corner of Park avenue and Seventy-sixth street as a memorial of Anna Otten-dorfer, and to be known as the Ottendorfer dorter, and to be known as the Ottendorfer German Dispensary. It is to be 100.8 feet front and 58 feet deep, with an extension 48 by 48 feet. The building will contain a meeting hall and will have a large solar-ium. It is to cost \$175,000. The German Hospital is the owner.

MAY COPY STOCKHOLDERS' LIST. Appellate Division Holds That Any Owner

of Shares Has Such a Right. A decision rendered yesterday by the Appellate Division holds that a stockholder in any company is entitled to inspect the stock book of the company, even if his only purpose in doing so is to discover the names of the other stockholders and make a list

of them for business purposes. The decision reverses an order made by Supreme Court Justice McCall refusing to grant to Joseph W. Lorge, a broker, a mandamus directing the Consolidated National Bank of this city to allow him to inspect the stock book and make a copy of any entries in it he might care to note down. Lorge is a holder of a small amount of stock in the hank, and he admitted, according to the bank officials, that his ordy purpose in examining the stock book was to obtain a list of the shareholders, so that he might trade in the stock. The bank declined to allow him to use the book for any such purpose and he brought mandatory pro sedings. Justice Hatch, writing the opinion, says

Justice Hatch, withing the opinion, says that a peremptory writ allowing Lorge to make any copies he pleases of the stock book entries must be grauted.

This decision will be appealed, as it affects all corporations in which a knowledge of the list of stockholders would help a broker to trade in the stockholders. to trade in the stock.

THAT BUFFALO HUNT IS OFF.

Dan Beard, Told About It In an Early Morning Despatch, Plumes Himself.

Dan Beard, editor of Recreation, got a rise before dawn yesterday out of Miller Bros., proprietors of 101 Ranch, at Bliss, Okla., who, he had been informed, intended to slaughter a herd of thirty-five buffalors at a celebration to-morrow marking the abandonment of tribal relations by the Indians of the Oklahoma reservations. Mr.

Indians of the Oklahoma reservations. Mr. Beard sent despatches of protest on Thursday to the Secretary of the Interior and the Secretary of War, suggesting interference with the buffalo hunt.

The Miller Brothers, Mr. Beard said vesterday, evidently "felt something drop." They got up at 2 o'clock in the morning and called the hunt off. Apparently the Government, through the Secretary of the Interior or the Secretary of War, had sent a message to Miller Bros. The despatch that Mr. Beard received was sent from Bliss at 2:04 A. M., and not in answer to anything he sent to them. It said in substance:

No buffalo will be slaughtered except.

No buffalo will be slaughtered except, probably, one old bull, which will be used to furnish a barbecue. No females will be killed. No one has a greater desire to perpetuate the buffalo than we. We thank you Mr. Beard is inclined to think that the hunt would have gone on if he had no

CITY BUYS MONTAUK THEATER.

Pays \$500,000 at Private Sale-Assessed at \$300,000 Wanted for Bridge Approach. The Board of Estimate decided yesterday to purchase by private negotiation the Montauk Theater in Brooklyn, the site of which is wanted by the city to carry out the plans for the construction of an ap-

proach to the Manhattan Bridge by extending Flatbush avenue. tending Flathush avenue.

The property had been ordered to be condemned as long ago as Mayor Low's time and the only point of interest attaching to yesterclay's action is that it was agreed to pay \$500,000 for the property while it has been assessed at only \$000,000. Another, for taking here assessed at only \$000,000. has been assessed at only \$300,000. Another, fact which was commented upon is that the theater is owned by some prominent politi-

clans of Brooklyn, among them being for-mer Senator William H. Reynolds. Mr. Grout explained that the price had been reported to be a just one by the city's appraisers for the reason that the price of property in the neighborhood had greatly since the \$300,000 assessment was placed upon it.

NAVY BOWS TO FISHERMEN. Their Protest Against Target Practise

Appears to Be Heeded. COTTAGE CITY, Mass., June 9 .- Private advices received from Washington state that the North Atlantic squadron will not risit these waters for target practise this summer, as has been the custom for the last three years. Last winter petitions were circulated and signed by those interested in the fishing industry requesting the Secretary of the Navy to abolish target practice in Martha's Vineyard waters during the fishing coason, on the ground that it frightened the fish away and thus caused the petitioners to suffer financially.

These positions have evidently been peded by Secretary Morton, who will not order the squadron here until the middle order the squadron here unto the mother of November, when the season for fishing is practically over. Local fishermen are jubilant over the victory. They girs the credit of it to Rear Admiral R. D. Evans, commander of the squadron.

TWO MORE VICARS GENERAL. Rapid Growth of the Brooklyn Dicees

Compels Their Appointment It was reported yesterday that Bishop McDonnell of the Catholic diocase of Brooks lyn had decided to appoint two additional vicars-general. Since the establishment of the diocese there has been only one assistant to the Bishop with that title, the present occupant of the office being the Right Rev. P. J. McNamara, rector of St. Joseph's parish.

Owing to the rapid growth of the diocese.

Joseph's parish.

Owing to the rapid growth of the diocese it has been found necessary by Bishop McDonnell to add two more assistants. It is understood that the Very Rey, Joseph is Church of St. McNamee, rector of the Church Teresa, and the Rev. George Frector of All Saints Church, have lected for the honor.

OBSERVATORY FOR BROOKLYN. \$25,000 Given to Institute of Arts and

Sciences Toward Its Erection. A donation of \$15,000 has been given by a Brooklyn man whose name has not been disclosed to the trustees of the Institute of Arts and Sciences toward the erection of an astronomical observatory on the Parkway lands, adjoining Prospect Park. The observatory, according to the deed of gift, is for the use of the public within reasonable limits. It is understood that additional funds are to be raised before beginning work on the observatory. The institute already possesses three fine telescopes and other valuable astronomical apparatus. apparatus.

General Synod for Shortened Forms. ASBURY PARK, N. J., June 9.-The General Synod of the Reformed Church came out squarely to-day for shortened church forms. The report of the revision committee in favor of abbreviated forms was adopted, although the Western Dutch delegates fought vigorously to postpone the issue. The synod was of the opinion that the Western Hollanders should get in line with American ideas, which they would never do if the old forms were longer re-

The battleship Missouri, in command of Capt. William S. Cowles, brother-in-law of President Roosevelt, arrived at the navy yard in Brooklyn yesterday and was received with a salute of thirteen guns. She was beached at the dry dock and will go into dry dock No. 3 on Monday. The battle-ships Maine and Kentucky are expected to arrive at the navy yard to-day

First New Wheat Is Shipped. KERRVILLE, Tex., June 9 .- The first car-

load of new wheat for 1905 was shipped from here to-day. It is said to be the first wheat of this year to be sold in the United States. The Texas crop is estimated at